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immorality. See Lord St. Leonards in *In re Connor*, 2 Jo. & La T. 456, 459-60. But at least one exception has since been established in the case of a testamentary gift by the putative father, on the ground that since the gift dates from death the begetting of bastards is not encouraged. *Ocleston v. Fullalove*, L. R. 9 Ch. App. 147, 162; *In re Hastie's Trusts*, 35 Ch. Div. 728. Here a difference was taken upon another ground. If the bastard was described as the child of the mother only, it was ascertainable and could take. *Gordon v. Gordon*, 1 Mer. 141; *Evans v. Massey*, 8 Price 22. But, if the description specified the father as well as the mother, it was said that the child must show a reputation as begot by the particular father. *Wilkinson v. Adam*, 1 Ves. & B. 422. For without such reputation the child was *filius nullius* and the law would not inquire into the scandal. See 2 JARMAN, WILLS, 6 Eng. ed., 1765. Hence, if the child is *en ventre sa mère* at the testator's death the gift would fail, since a child must be *in esse* during father's life to acquire the necessary reputation. *Earle v. Wilson*, 17 Ves. 529. See *Blodwell v. Edwards*, Cro. Eliz. 509, 510; *Gordon v. Gordon*, 1 Mer. 141, 152. *Contra*, *In re Connor*, 2 Jo. & La T. 456, 460. See *Ocleston v. Fullalove*, L. R. 9 Ch. App. 147, 164. However, the fiction of *filius nullius* is in these days an unstable pediment for any doctrine. The result should rather be rested on the practical difficulty of proof, a question of degree to be determined in each case. See *Ocleston v. Fullalove*, L. R. 9 Ch. App. 147, 158. But this difficulty assumes that the testator desires such proof. Usually however he states his paternity simply as matter of belief and not by way of limitation. See 2 JARMAN, WILLS, 6 Eng. ed., 1770, 1781.

NATURALIZATION — FILIPINOS. — A native Filipino applied to be made an American citizen under R. S. XXX, § 2169, as amended in 18 STAT. AT L. 318, and under the Act of June 29, 1906, 34 STAT. AT L., c. 3592, § 30. *Held*, that the petition be granted. *In the matter of Marcus Solis*, U. S. Dist. Ct. for Hawaii, Mar. 25, 1916.

A native Filipino applied under the same provisions to be made an American citizen. *Held*, that the petition be denied. *In the matter of Alfred Ocampo*, U. S. Dist. Ct. for Hawaii, Dec. 30, 1916.

Section 2169, which was in force prior to the Act of June 29, 1906, limits the provisions for naturalization to "aliens being free white persons and to aliens of African nativity and to persons of African descent." But § 30 of the Act of June, 1906, provided that "all applicable provisions of the naturalization laws . . . shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States." As the petitioners come within the description, they are entitled to citizenship unless the former section modifies this provision. Being neither expressly repealed nor inconsistent with the Act of June, it must, by the rules of statutory construction, be still in force. *Bessho v. U. S.*, 178 Fed. 245. See 1 LEWIS' SUTHERLAND STATUTORY CONSTRUCTION, 2 ed., 461-64. It has been argued, however, that as § 30 does not refer to aliens, and as § 2169 only refers to aliens, it cannot be considered an "applicable" limitation. The wording of the statutes certainly justifies such an argument. But the history of § 30 shows that its purpose was to avoid the difficulty of admitting Porto Ricans to citizenship because they were not aliens, could not renounce allegiance to a foreign sovereign, and were not, therefore, within the Act. To extend the rights of citizenship to all emigrants of our insular possessions regardless of race was clearly not the intention of Congress. So it has been held concerning the limitation of § 2169 on other clauses, with wordings similar to § 30. *In re Alverta*, 198 Fed. 688; *In re Lampitoe*, 232 Fed. 382.

PATENTS — PROCEDURE — WHAT CONSTITUTES AN INTERLOCUTORY DECREE. — In an action on two separate patents, a decree was in favor of the plaintiff as to one patent, with an order for an accounting, but in favor of the de-